

FREEHILL HOGAN & MAHAR, LLP  
Attorneys for Defendant  
United Shipping Agency SRL  
80 Pine Street  
New York, NY 10005  
(212) 425-1900  
(212) 425-1901 fax  
Michael E. Unger (MU 0045)  
Gina M. Venezia (GV 1551)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BAJA FERRIES USA L.L.C.,

Plaintiff,

- against -

CALDER SEACARRIER CORP.,  
FENBY CO. LTD., UNITED SHIPPING  
AGENCY SRL, BRISTOL MARINE CO.  
LTD. and BML CHARTERING,

Defendants.

08-cv-06031 (DC)

**NOTICE OF MOTION TO VACATE  
RULE B ATTACHMENT PURSUANT TO  
SUPPLEMENTAL ADMIRALTY RULE E**

PLEASE TAKE NOTICE, that upon the Declaration of Mihai Felescu, dated July 31, 2008; the Supplemental Declaration of Mihai Felescu, dated August 7, 2008; the Declaration of Jang Kil, Kim; the Declaration of Claire Bilton, dated August 8, 2008; the accompanying exhibits; and the pleadings herein, Defendant United Shipping Agency SRL (“USA”), making a restricted appearance under Rule E(8), will move, pursuant to Supplemental Admiralty Rule E(4) and Local Rule E.1,<sup>1</sup> for an order vacating the order of attachment issued against USA and for all and such other relief to which USA may be entitled on the grounds that Plaintiff Baja Ferries (“Baja”) has failed to state a valid prima facie maritime claim against USA as required by

---

<sup>1</sup> Local Rule E.1 provides for an adversary hearing in connection with a motion to vacate within three (3) court days of application.

Supplemental Admiralty Rule B and, in the alternative, that USA does not have an attachable property interest in the particular funds which have been restrained pursuant to the attachment order.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's briefing schedule ordered at the August 4, 2008, hearing in this matter, as modified, answering papers, if any, including but not limited to affidavits, affirmations, declarations, exhibits and/or memorandum of law, are to be filed and served on counsel for the movant, Freehill Hogan & Mahar LLP, on or before August 14, 2008, with reply papers, if any, on behalf of the movant, to be filed and served on or before August 19, 2008.

Respectfully submitted,

/s/ Gina M. Venezia  
Gina M. Venezia (GV1551)  
Freehill, Hogan & Mahar, LLP  
80 Pine Street  
New York, New York 10005  
Phone: (212) 425-1900  
Fax: (212) 425-1901  
Email: [venezia@freehill.com](mailto:venezia@freehill.com)  
Attorneys for Defendant United Shipping Agency SRL

**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will automatically send email notification of such filing to all attorneys of record. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the below service list in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notice of Electronic Filing.

**VIA CM/ECF:**

James Peter Rau  
Cardillo & Corbett  
29 Broadway, Suite 1710  
New York, NY 10006  
Tel: 212-344-0464  
Fax: 212-797-1212  
Email: jrau@cardillocorbett.com

/s/ Gina M. Venezia  
Gina M. Venezia